

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEXTER EARL HOLLINS,

Petitioner,

v.

Case No 10-11131

CAROL HOWES,

Respondent.

/

**ORDER DENYING PETITIONER'S "MOTION TO VACATE VOID JUDGMENT
AND DISCHARGE PETITIONER FROM ILLEGAL CONVICTION"**

Petitioner Dexter Earl Hollins filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions on two counts of assault with intent to murder, breaking and entering an occupied dwelling, and felony firearm. The court directed Respondent to file an Answer to the petition by September 29, 2010. Now before the court is Petitioner's "Motion to Vacate Void Judgment and Discharge Petitioner from Illegal Conviction."

Petitioner's Motion seeks relief from his convictions pursuant to Michigan Court Rule 6.508(D). The Federal Rules of Civil Procedure govern the procedure in all civil actions and proceedings in the United States district courts. See Fed. R. Civ. P. 1. The Michigan Court Rules govern practice and procedure in all courts established by the constitution and laws of the State of Michigan. See Michigan Court Rule 1.103. Petitioner's motion is not properly filed, and the court may not grant relief under a state court rule. The motion, therefore, will be denied. This denial is without prejudice to

Petitioner's re-filing his motion under the appropriate Federal Rule of Civil Procedure.

Accordingly,

IT IS ORDERED that Petitioner's "Motion to Vacate Void Judgment and Discharge Petitioner from Illegal Conviction" [Dkt. #7] is DENIED WITHOUT PREJUDICE.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 25, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 25, 2010, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522